

1 BILL NO. S-84-11- 45

2 SPECIAL ORDINANCE NO. S- 167-84

3 ORDINANCE AUTHORIZING THE CITY OF
4 FORT WAYNE TO ISSUE ITS "CITY OF FORT WAYNE
5 ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1984
(LINCOLN NATIONAL BANK AND TRUST COMPANY OF FORT WAYNE PROJECT)"
6 AND APPROVING OTHER ACTIONS IN RESPECT THERETO

7 WHEREAS, the Fort Wayne Economic Development Commission
8 has rendered its Project Report for the Lincoln National Bank
9 and Trust Company of Fort Wayne Project regarding the financing
10 of proposed economic development facilities under construction
11 or to be constructed in the City of Fort Wayne, Indiana, and
12 the Fort Wayne Plan Commission has commented favorably thereon;
and

13 WHEREAS, the Fort Wayne Economic Development Commission
14 conducted a public hearing on December 6, 1984, and also
15 adopted a resolution on December 6, 1984, which Resolution
16 has been transmitted hereto, finding that the financing of
17 certain economic development facilities for Lincoln National
18 Bank and Trust Company of Fort Wayne complies with the purposes
19 and provisions of I.C. 36-7-12 and that such financing will
20 be of benefit to the health and welfare of the City of Fort
21 Wayne and its citizens; and

22 WHEREAS, the Fort Wayne Economic Development Commission
23 has heretofore approved and recommended the adoption of this
24 form of Ordinance by this Common Council, has considered the
25 issue of adverse competitive impact and has specifically found
26 and this Common Council finds: that the Project includes
27 acquisition of real estate and construction of a commercial bank
28 facility for use as a computer and data processing center and
29 that there are no other existing facilities of the size and
30 type of the Project in the general area of the Project that
31 meet the needs of Lincoln National Bank and Trust Company of
32 Fort Wayne and no one spoke in opposition of the Project; and

1 the Commission has approved the forms of and has transmitted
2 for approval by the Common Council the Loan Agreement, Mortgage
3 and Security Agreement, Trust Indenture, Note, Bond; now therefore,

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
5 FORT WAYNE, INDIANA THAT:

6 SECTION 1. It is hereby found that the financing of
7 the economic development facilities referred to in the Loan
8 Agreement, Mortgage and Security Agreement and Trust Indenture
9 approved by the Fort Wayne Economic Development Commission and
10 presented to this Common Council, the issuance and sale of the
11 revenue bonds in the aggregate principal amount of not to exceed
12 \$2,450,000, the loan of the proceeds of the revenue bonds to
13 Lincoln National Bank and Trust Company of Fort Wayne for the
14 acquisition and construction of such facilities, the payment
15 of the revenue bonds by the note payment of Lincoln National
16 Bank and Trust Company of Fort Wayne under the Loan Agreement,
17 Mortgage and Security Agreement, and Note and the securing
18 of said bonds by the mortgaging of such facilities to the
19 Issuer under the Loan Agreement, Mortgage and Security Agree-
20 ment complies with the purposes and provisions of I.C. 36-7-12
21 and will be of benefit to the health and welfare of the City of
22 Fort Wayne and its citizens.

23 SECTION 2. The facilities will consist of acquisition
24 of real estate and construction of a 56,000 sq. ft. one-story
25 building, including equipment and fixtures on land located
26 at the N.E. corner of Bluffton Road and Baer Field Throughway
27 in the City of Fort Wayne, Indiana, same being within an Economic
28 Development Target Area.

29 SECTION 3. Based upon the Application and the findings
30 of the Economic Development Commission, it is hereby found that
31 the above-described Project of Lincoln National Bank and Trust
32 Company of Fort Wayne will not have an adverse competitive impact

1 on other facilities of the same kind already operating in the same
2 market area, and will contribute significantly to the creation of
3 permanent new job opportunities.

4 SECTION 4. The substantially final forms of the
5 Loan Agreement, Mortgage and Security Agreement, Trust
6 Indenture, Note and Bond, approved by the Fort Wayne Economic
7 Development Commission are hereby approved (herein collectively
8 referred to as the "Financing Agreement" referred to in
9 I.C. 36-7-12, and the substantially final form of Official
10 Statement is hereby approved, and all such documents shall
11 be incorporated herein by reference and shall be inserted in
12 the minutes of the Common Council and kept on file by the
13 Clerk. In accordance with the provisions of I.C. 36-1-5-4,
14 two (2) copies of all such documents are on file in the office
15 of the Clerk for public inspection.

16 SECTION 5. The City of Fort Wayne shall issue its
17 Economic Development Revenue Bonds, (Lincoln National Bank and
18 Trust Company of Fort Wayne Project), in the total principal
19 amount of not to exceed Two Million Four Hundred Fifty Thousand
20 Dollars (\$2,450,000) and with the final maturity 15 years from
21 the date of issuance for the purpose of procuring funds to
22 lend to Lincoln National Bank and Trust Company of Fort Wayne
23 to pay the costs of acquisition and construction of the economic
24 development facilities as more particularly set out in the
25 Loan Agreement, Mortgage and Security Agreement, and Trust
26 Indenture incorporated herein by reference, which bonds will
27 be payable as to principal, premium, if any, and interest
28 from the note payments made by Lincoln National Bank and Trust
29 Company of Fort Wayne under the Loan Agreement, Mortgage and
30 Security Agreement and Note or as otherwise provided in the
31 above described Trust Indenture. The bonds shall be issued
32 in fully registered form in the denominations of \$5,000 or

1 integral multiples thereof and shall be redeemed as provided
2 in Article V of the Trust Indenture. Payments of principal
3 and interest are payable in lawful money of the United States
4 of America at the principal office of the Trustee or its
5 successor in trust or by check or draft mailed or delivered to
6 the registered owner as provided in the Trust Indenture. The
7 bonds shall never constitute a general obligation of, an
8 indebtedness of, or a charge against the general credit of the
9 City of Fort Wayne or the State of Indiana nor are the bonds
10 payable in any manner from revenues raised by taxation.

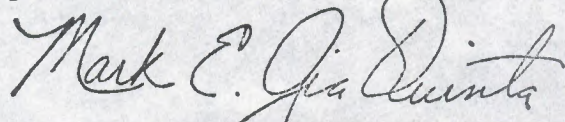
11 SECTION 6. The Mayor and Clerk are authorized and
12 directed to sell such bonds to the purchaser thereof at the
13 rate per annum not to exceed 10½%. The bonds shall be sold
14 at a price not less than 97% of the principal amount thereof.

15 SECTION 7. The Mayor and Clerk are authorized and
16 directed to execute, attest, affix or imprint by any means
17 the City seal to the documents constituting the Financing
18 Agreement approved herein on behalf of the City and any other
19 document which may be necessary or desirable to consummate
20 the transaction, including the bonds authorized herein. The
21 Mayor and Clerk are hereby expressly authorized to approve
22 any modifications or additions to the documents constituting
23 the Financing Agreement which take place after the date of
24 this Ordinance including the Official Statement with the review
25 and advice of the City Attorney; it being the express under-
26 standing of this Common Council that said Financing Agreement
27 is in substantially final form as of the date of this Ordinance.
28 The approval of said modifications or additions shall be
29 conclusively evidenced by the execution and attestation thereof
30 and the affixing of the seal thereto or the imprinting of the
31 seal thereon; provided, however, that no such modification or
32 addition shall increase the maximum principal amount of,

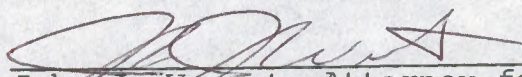
1 interest rate on or term of the bonds as approved by the
2 Common Council by this Ordinance without further consideration
3 by the Common Council. The signatures of the Mayor and
4 Clerk on the bonds may be either manual or facsimile
5 signatures. The Clerk is authorized to arrange for delivery
6 of such bonds to the Trustee named in the Trust Indenture,
7 payment for the bonds will be made to the Trustee named in
8 the Trust Indenture and after such payment the bonds will be
9 delivered by the Trustee to the purchasers thereof. The
10 Mayor and Clerk shall execute and the Clerk shall deliver
11 the bonds to the Trustee within ninety days of the adoption
12 of this Ordinance. The bonds shall be dated as of December 1,
13 1984.

14 SECTION 8. The provisions of this Ordinance and
15 the Trust Indenture securing the bonds shall constitute a
16 contract binding between the City of Fort Wayne and the
17 holder of the Economic Development Revenue Bonds, (Lincoln
18 National Bank and Trust Company of Fort Wayne Project), and
19 after the issuance of said bonds, this Ordinance shall not
20 be repealed or amended in any respect which would adversely
21 affect the rights of such holders so long as said bonds or
22 the interest thereon remains unpaid.

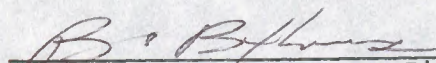
23 SECTION 9. This Ordinance shall be in full force
24 and effect from and after its passage and signing by the Mayor.

25 
26 Councilmember

27 ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION
28 AND APPROVED AS TO FORM.

29 
30 John J. Wernet, Attorney for the
31 Economic Development Commission
32 Dated this 26th day of November, 1984

APPROVED AS TO FORM AND LEGALITY.


Bruce O. Boxberger, City Attorney
Dated this 26th day of November, 1984

1 BILL NO. S-84-11- 45

2 SPECIAL ORDINANCE NO. S- _____

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8 has rendered its Project Report for the Lincoln National Bank
9 and Trust Company of Fort Wayne Project regarding the financing
10 of proposed economic development facilities under construction
11 or to be constructed in the City of Fort Wayne, Indiana, and
12 the Fort Wayne Plan Commission has commented favorably thereon;
and

13 WHEREAS, the Fort Wayne Economic Development Commission
14 conducted a public hearing on December 6, 1984, and also
15 adopted a resolution on December 6, 1984, which Resolution
16 has been transmitted hereto, finding that the financing of
17 certain economic development facilities for Lincoln National
18 Bank and Trust Company of Fort Wayne complies with the purposes
19 and provisions of I.C. 36-7-12 and that such financing will
20 be of benefit to the health and welfare of the City of Fort
21 Wayne and its citizens; and

22 WHEREAS, the Fort Wayne Economic Development Commission
23 has heretofore approved and recommended the adoption of this
24 form of Ordinance by this Common Council, has considered the
25 issue of adverse competitive impact and has specifically found
26 and this Common Council finds: that the Project includes
27 acquisition of real estate and construction of a commercial bank
28 facility for use as a computer and data processing center and
29 that there are no other existing facilities of the size and
30 type of the Project in the general area of the Project that
31 meet the needs of Lincoln National Bank and Trust Company of
32 Fort Wayne and no one spoke in opposition of the Project; and

1 the Commission has approved the forms of and has transmitted
2 for approval by the Common Council the Loan Agreement, Mortgage
3 and Indenture of Trust, Note, Bond; now therefore,

4 BE IT ORDAINED BY THE COMMON COUNCIL OF THE CITY OF
5 FORT WAYNE, INDIANA THAT:

6 SECTION 1. It is hereby found that the financing of
7 the economic development facilities referred to in the Loan
8 Agreement and Mortgage and Indenture of Trust approved by the
9 Fort Wayne Economic Development Commission and presented to
10 this Common Council, the issuance and sale of the revenue bonds
11 in the aggregate principal amount of not to exceed \$2,450,000,
12 the loan of the proceeds of the revenue bonds to Lincoln
13 National Bank and Trust Company of Fort Wayne for the acquisition
14 and construction of such facilities, the payment of the revenue
15 bonds by the note payment of Lincoln National Bank and Trust
16 Company of Fort Wayne under the Loan Agreement, and Note
17 and the securing of said bonds by the mortgaging of such
18 facilities to the Issuer under the Mortgage and Indenture of
19 Trust complies with the purposes and provisions of I.C. 36-7-12
20 and will be of benefit to the health and welfare of the City of
21 Fort Wayne and its citizens.

22 SECTION 2. The facilities will consist of acquisition
23 of real estate and construction of a 56,000 sq. ft. one-story
24 building, including equipment and fixtures on land located
25 at the N.E. corner of Bluffton Road and Baer Field Throughway
26 in the City of Fort Wayne, Indiana.

27 SECTION 3. It is hereby found that the above-described
28 Project of Lincoln National Bank and Trust Company of Fort Wayne
29 will not have an adverse competitive impact on other facilities
30 of the same kind already operating in the same market area,
31 and will contribute significantly to the creation of permanent
32 new job opportunities.

1 SECTION 4. The substantially final forms of the
2 Loan Agreement, Mortgage and Indenture of Trust, Note and
3 Bond, approved by the Fort Wayne Economic Development Commission
4 are hereby approved (herein collectively referred to as the
5 "Financing Agreement" referred to in I.C. 36-7-12, and the
6 substantially final forms of Lease, Conditional Assignment
7 of Lease and Rentals, Lessee's Consents and Agreement to Lease
8 Assignment and Guaranty Agreement by the Fort Wayne Economic
9 Development Commission are hereby approved, and all such documents
10 shall be incorporated herein by reference and shall be inserted
11 in the minutes of the Common Council and kept on file by the
12 Clerk. In accordance with the provisions of I.C. 36-1-5-4,
13 two (2) copies of all such documents are on file in the office
14 of the Clerk for public inspection.

15 SECTION 5. The City of Fort Wayne shall issue its
16 Economic Development Revenue Bonds, (Lincoln National Bank and
17 Trust Company of Fort Wayne Project), in the total principal
18 amount of not to exceed Two Million Four Hundred Fifty Thousand
19 Dollars (\$2,450,000) and with the final maturity 15 years from
20 the date of issuance for the purpose of procuring funds to
21 lend to Lincoln National Bank and Trust Company of Fort Wayne
22 to pay the costs of acquisition and construction of the economic
23 development facilities as more particularly set out in the
24 Loan Agreement and Mortgage and Indenture of Trust incorporated
25 herein by reference, which bonds will be payable as to principal,
26 premium, if any, and interest from the note payments made by
27 Lincoln National Bank and Trust Company of Fort Wayne under
28 the Loan Agreement, and Note or as otherwise provided in the
29 above described Mortgage and Indenture of Trust. The bonds
30 shall be issued in fully registered form in the denominations
31 of \$5,000 or integral multiples thereof and shall be redeemed
32 as provided in Article III of the Mortgage and Indenture of

1 Trust. Payments of principal and interest are payable in
2 lawful money of the United States of America at the principal
3 office of the Trustee or its successor in trust or by check
4 or draft mailed or delivered to the registered owner as provided
5 in the Mortgage and Indenture of Trust. The bonds shall never
6 constitute a general obligation of, an indebtedness of, or
7 a charge against the general credit of the City of Fort Wayne
8 or the State of Indiana nor are the bonds payable in any manner
9 from revenues raised by taxation.

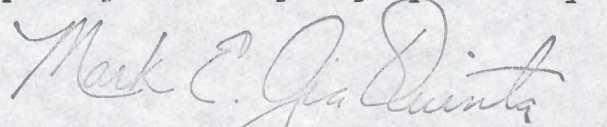
10 SECTION 6. The Mayor and Clerk are authorized and
11 directed to sell such bonds to the purchaser thereof at the
12 rate per annum not to exceed 10½%. The bonds shall be sold
13 at a price not less than 100% of the principal amount thereof.

14 SECTION 7. The Mayor and Clerk are authorized and
15 directed to execute, attest, affix or imprint by any means
16 the City seal to the documents constituting the Financing
17 Agreement approved herein on behalf of the City and any other
18 document which may be necessary or desirable to consummate
19 the transaction, including the bonds authorized herein. The
20 Mayor and Clerk are hereby expressly authorized to approve
21 any modifications or additions to the documents constituting
22 the Financing Agreement which take place after the date of
23 this Ordinance with the review and advice of the City Attorney;
24 it being the express understanding of this Common Council
25 that said Financing Agreement is in substantially final form
26 as of the date of this Ordinance. The approval of said modifications
27 or additions shall be conclusively evidenced by the execution
28 and attestation thereof and the affixing of the seal thereto
29 or the imprinting of the seal thereon; provided, however,
30 that no such modification or addition shall increase the maximum
31 principal amount of, interest rate on or term of the bonds
32 as approved by the Common Council by this Ordinance without

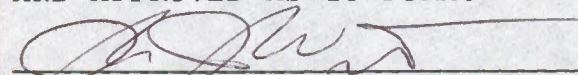
1 further consideration by the Common Council. The signatures
2 of the Mayor and Clerk on the bonds may be either manual or
3 facsimile signatures. The Clerk is authorized to arrange
4 for delivery of such bonds to the Trustee named in the Mortgage
5 and Indenture of Trust, payment for the bonds will be made
6 to the Trustee named in the Mortgage and Indenture of Trust
7 and after such payment the bonds will be delivered by the Trustee
8 to the purchasers thereof. The Mayor and Clerk shall execute
9 and the Clerk shall deliver the bonds to the Trustee within
10 ninety days of the adoption of this Ordinance. The bonds shall
11 be dated as of December 1, 1984.

12 SECTION 8. The provisions of this Ordinance and
13 the Mortgage and Indenture of Trust securing the bonds shall
14 constitute a contract binding between the City of Fort Wayne
15 and the holder of the Economic Development Revenue Bonds,
16 (Lincoln National Bank and Trust Company of Fort Wayne Project),
17 and after the issuance of said bonds, this Ordinance shall not
18 be repealed or amended in any respect which would adversely
19 affect the rights of such holders so long as said bonds or
20 the interest thereon remains unpaid.

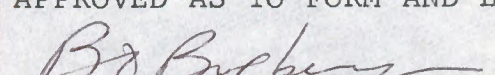
21 SECTION 9. This Ordinance shall be in full force
22 and effect from and after its passage and signing by the Mayor.

23 
24 _____
25 Councilmember

26 ADOPTED BY ECONOMIC DEVELOPMENT COMMISSION
27 AND APPROVED AS TO FORM.

28 
29 _____
30 John J. Wernet, Attorney for the
31 Economic Development Commission
32 Dated this 26th day of Nov, 1984

APPROVED AS TO FORM AND LEGALITY.

31 
32 _____
33 Bruce O. Boxberger, City Attorney
34 Dated this 26th day of Nov, 1984

Read the first time in full and on motion by GiaQuinta,
seconded by Stier, and duly adopted, read the second time
by title and referred to the Committee Finance (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of
_____, 19____, at _____ o'clock _____ M., E.S.

DATE: 11-27-84 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by GiaQuinta,
seconded by Stier, and duly adopted, placed on its
passage. PASSED ~~(LOST)~~ by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>9</u>	_____	_____	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	<u>✓</u>	_____	_____	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GiaQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	<u>✓</u>	_____	_____	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 12-11-84 Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (ANNEXATION) ~~(APPROPRIATION)~~ (GENERAL)
(SPECIAL) ~~(ZONING MAP)~~ ORDINANCE ~~(RESOLUTION)~~ NO. I-167-84
on the 11th day of December, 1984,

ATTEST:
Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

(SEAL)
Ray A. E. Cook
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 12th day of December, 1984,
at the hour of 11:30 o'clock P. M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 12 day of December,
1984, at the hour of 2:00 o'clock P. M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

BILL NO. S-84-11-45

REPORT OF THE COMMITTEE ON FINANCE

WE, YOUR COMMITTEE ON FINANCE TO WHOM WAS REFERRED AN
ORDINANCE AUTHORIZING THE CITY OF FORT WAYNE TO ISSUE ITS "CITY OF
FORT WAYNE ECONOMIC DEVELOPMENT REVENUE BONDS, SERIES 1984 (LINCOLN
NATIONAL BANK AND TRUST COMPANY OF FORT WAYNE PROJECT)" AND APPROVING
OTHER ACTIONS IN RESPECT THERETO

HAVE HAD SAID ORDINANCE UNDER CONSIDERATION AND BEG LEAVE TO REPORT
BACK TO THE COMMON COUNCIL THAT SAID ORDINANCE Do PASS.

MARK E. GIAQUINTA, CHAIRMAN

JAMES S. STIER, VICE CHAIRMAN

JANET G. BRADBURY

THOMAS C. HENRY

DONALD J. SCHMIDT

CONCURRED IN 12-11-84
SANDRA E. KENNEDY, CITY CLERK